

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN DUGAN, et al.,
Plaintiffs,

No. C 12-02549 WHA

v.

**ORDER REGARDING
CLASS NOTICE**

LLOYDS TSB BANK, PLC,
Defendant.

The parties have filed a list of class members, a joint plan for dissemination of class notice, a proposed form of class notice, and a proposed time table (Dkt. Nos. 212–14). These proposals are approved, subject to the modifications set forth below.

1. CLASS LIST

The parties' class list (filed under seal) adequately identifies members of the class (Dkt. No. 214). After the opt-out period has closed, class counsel shall file an updated report on class size with the finalized class rosters appended.

2. ADMINISTRATOR

The parties' joint proposal to designate Dahl Administration, LLC as the administrator for printing, dissemination of class notice, and receipt of requests for exclusion is **APPROVED**. Class counsel shall bear the full cost of the administrator, subject to possible reimbursement if the class prevails.

3. FORM OF CLASS NOTICE

The parties' proposed class notice will be used subject to the following amendments:

- On the first page there is a header stating: “A court authorized this notice. This is not a solicitation from a lawyer.” It should be modified to read: “A federal court has authorized this Notice. Please read it carefully. This is not a solicitation from a lawyer. Your rights are at stake and could be compromised.”
- On the first page, below the text box and above the bottom three bullets, add a bullet that reads: “This is the first, and possibly only, notice you will receive. Please read the sections below to inform yourself of what this means for you in terms of giving up control of claim(s) you may have against defendant Lloyds TSB Bank, PLC.”
- On the first page, between the last two bullets add a bullet that reads: “Counsel and the lead plaintiffs may be authorized to settle this case without necessarily further opportunity for class members to opt out. In that event, if the settlement is approved by the Court, you and all other class members would be bound by the settlement.”
- On the fifth page, in subsection 10 regarding exclusion, the last sentence should be modified to state: “You must mail your Exclusion Request postmarked by **11:59 P.M. ON JULY 19, 2013.**”

4. MEANS OF DISSEMINATION

All class notices shall be sent as independent mailings via first class United States mail. Class notices shall be sent in distinctive envelopes that do not resemble junk mailings. The outside of each envelope shall state that it contains an important notice from the United States District Court. The return address on the envelopes shall be the address of the administrator but it shall indicate that the class notice was sent on behalf of the District Court. For example, the return address may read as follows:

Important Class Action Notice from the Court
 United States District Court for the Northern District of California
 Class Action 12-2549 WHA
 [ADMINISTRATOR NAME]
 [ADMINISTRATOR ADDRESS]

1 Class counsel must use the most up-to-date addresses of class members to ensure, prior to
2 dissemination of the class notices, that the addresses listed are correct. Each notice shall contain
3 a pre-stamped return envelope. An exact record of the names and addresses used shall be kept.

4 **5. SCHEDULE**

5 The parties may file objections to the tentative class notice by **NOON ON MAY 24, 2013**.
6 After that time, the class notice and the schedule for dissemination of notice will be finalized. It
7 is anticipated that the administrator will mail the class notices on or by **MAY 30, 2013**. The class
8 members would then have until **JULY 19, 2013**, to opt out of the class action.

9 The parties propose that class members be permitted to opt out by sending a letter via
10 mail to the administrator. This will be allowed. Opting out via email will not be permitted. All
11 such letters shall be filed by counsel together with a summary list.

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13 **IT IS SO ORDERED.**

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15 Dated: May 22, 2013.

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18 WILLIAM ALSUP
19 UNITED STATES DISTRICT JUDGE
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